

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Stephen J. Brown	Attorney Docket No.	HERO-1-1147
Serial No.:	Pending	Group Art Unit:	3626
Filing Date:	Pending	Examiner:	—
Title:	NETWORKED HEALTH INFORMATION SYSTEM FOR MONITORING FOOD INTAKE		

**COMBINED DECLARATION AND POWER OF ATTORNEY  
IN PATENT APPLICATION**

As the inventor of the invention disclosed in the patent application entitled  
NETWORKED HEALTH INFORMATION SYSTEM FOR MONITORING FOOD INTAKE,  
I hereby declare as follows:

My residence, post office address and citizenship is:

Stephen J. Brown  
3324 Woodside Road  
Woodside, CA 94062  
US

I believe that I am the original, first and sole inventor of the subject matter that is claimed  
and for which a patent is sought on the invention entitled NETWORKED HEALTH  
INFORMATION SYSTEM FOR MONITORING FOOD INTAKE, the specification of which is  
attached to this declaration.

I have reviewed and understand the contents of the above-identified patent application  
including the claims.

I acknowledge the duty to disclose information, which is material to the examination of  
this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).




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HERO-1-1130DPOA

BLACK LOWE & GRAHAM <sup>PLLC</sup>

  
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I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, for the application(s) listed below. I have also identified below any foreign application(s) for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed: NONE

I hereby claim the benefit under 35 U.S.C. 119(e) of the following United States provisional application(s): NONE

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information that is material to patentability as defined 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

This application is a continuation of Serial No. 09/237,194, filed January 26, 1999, which is a Continuation of U.S. Application Serial No. 08/481,925 filed on June 7, 1995, now U.S. Patent No. 5,899,855 issued on May 4, 1999, which is a File Wrapper Continuation of 08/233,397 filed on April 26 1994, now abandoned, which is a Continuation-in-Part of U.S. Application Serial No. 07/977,323 filed on November 11, 1992, now U.S. Patent No. 5,307,263 issued on April 26, 1994.

I hereby appoint the following attorneys and agents to prosecute this application and to transact all related business in the Patent and Trademark Office or the Courts: Craig Opperman PTO



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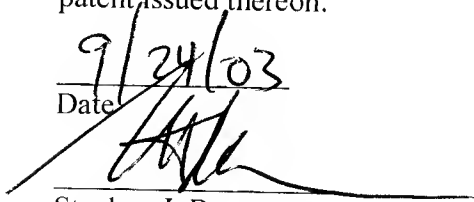
Reg. No. 37,078, Richard T. Black, Washington State Bar No. 20,899 and PTO Reg. No. 40,514; David A. Lowe, Washington State Bar No. 24,453 and PTO Reg. No. 39,281; Lawrence D. Graham, Washington State Bar No. 25,402 and PTO Reg. No. 40,001; Mark L. Lorbiecki, Washington State Bar No. 16,796 and PTO Reg. No. 45,643; Michael S. Smith, PTO Reg. No. 39,563; Mark S. Beaufait, Washington State Bar No. 13,419 and PTO Reg. No. 48,529; Robert R. Richardson, Washington State Bar No. 25,953 and PTO Reg. No. 40,143; Mark D. Byrne, PTO Reg. No. 50,125; H. Albert Richardson, Washington State Bar No. 13,197 and PTO Reg. No. 27,701, Frank J. Bozzo, PTO Reg. No. 36,756; Dale C. Barr, Washington State Bar No. 24,696 and PTO Reg. No. 40,498, and Darren J. Jones, PTO Reg. No. 36,175.

Direct all communications to:

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I hereby further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

9/24/03  
Date

  
Stephen J. Brown



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